

Contents

- * Overview
 - * Procedural checklist
 - * **Request for DeNovo Hearing and Notice of Hearing** form
 - * **Affidavit of Mailing** form and line-by-line instructions
-

Overview

Request for DeNovo Hearing and Notice of Hearing is the form to file when you want a judge to consider a matter that was heard by a Circuit Court Commissioner as if it had not been heard before, and as if no decision had previously been made, because you disagree with what the Commissioner ordered. Either party may request a DeNovo Hearing, but the request must be filed within 10 business days from the date the Order from the previous hearing was signed by the Court Commissioner. There is **no fee to file** a Request for DeNovo Hearing.

Procedural Checklist

1. ☐ Obtain a copy of the **signed** Order of the hearing you want to be heard again.
2. ☐ Complete the **Request for DeNovo Hearing and Notice of Hearing** form (line-by-line instructions for how to complete the form are in the next section).
3. ☐ Attach a copy of the **signed** Order, if you have not already done so.
4. ☐ You may go to the Court Self-Help Center, Courthouse Room C-108, to have your form reviewed for completeness.
5. ☐ Make three (3) additional copies of the completed original **Request for DeNovo Hearing and Notice of Hearing** form, four (4) if the State is a party. Copies can be made in the Court Self-Help Center for a fee.
6. ☐ **Within 10 business days of the date the original Order was signed** by the Circuit Court Commissioner, go to the Family Court Office's Customer Service window, Room C-112. The clerk will direct you to a Calendar Clerk to obtain a court date.
7. ☐ Once the Calendar Clerk has set a court date, she will conform and time stamp the copies. She will keep one copy and return two copies (3 if the State is a party) and the original to you.
8. ☐ **Notifying the Other Party:**
 - A. **Contempt Hearing:** The other party(ies) must be personally served. For information on the ways to have the other party served, see the **Service Packet**, which is available from the Court Self-Help Center (Courthouse, Room C-108).
 - B. **All other Hearings:** You may mail a copy of the completed form to the other party and the state, if necessary.

9. ☐ After you have properly notified the other party of your request and the date of the new hearing, you **MUST**, on or before the date of your hearing, complete and file Proof of Service (**Admission of Service, Affidavit of Service or Affidavit of Mailing**). If you do not provide Proof of Service and the other party does not appear, the court may choose to reschedule the hearing.

Note: If you want the court to cancel or postpone your court hearing, you must make a written request to the court and notify all parties (including the Child Support Division) in writing of your request. You must also notify the party(ies) of the court's decision to reschedule or not.

10. ☐ Before the hearing, you will need to gather to take with you a copy of the **Affidavit of Service, Admission of Service, or Affidavit of Mailing**, the original and two copies of your, completed, dated, and signed **Financial Disclosure Statement**, if it was required, and any other documents you think may help you make your case to the court. If you wish to offer written evidence or documents to the court, be sure you have the original to give to the court a copy for yourself, and a copy to give to the other side. If you wish to bring other people to testify for you, make sure they come to court in person. A letter from them is not enough.
11. ☐ Go to the assigned courtroom at least 20 minutes before your court time and let the bailiff or court clerk know on which case you are appearing.
12. ☐ When your case is called, go to the front of the room and sit where directed by the court clerk or bailiff. Take all your papers and documents with you.
13. ☐ Present your case to the Judge as directed. Be prepared to state your side of each issue clearly and completely. Be prepared to answer questions that may be asked of you by the court or by the other side. Use the copy of the Order that is to be reviewed as an outline to follow while you are in court to be sure you remember each issue you want to raise.
14. ☐ The Judge will state his/her decisions/rulings to you. Take notes because you must be able to write the ruling in a specific format on a form called an **Order**. The Judge may also set a review hearing for you to return to court.
15. ☐ After your court hearing, go to the Court Self-Help Center (Room C-108) to obtain and complete the **Order** form. **NOTE:** Even though the court may have had you complete an **Interim Disbursement Order** during the hearing, **the requesting party must still complete an Order!**

Line-by-Line Instructions for the Forms

Notice of Motion and Motion for DeNovo Review	Request that the court consider a matter as if it had not been heard before.
--	--

1. Complete the caption (*top portion*) of the **Request for DeNovo Hearing and Notice of Hearing** form as it appears on your original divorce/paternity papers.
- ☐ Mark an **X** in the box to indicate if this matter is in relation to a Marriage (if you and the other party were at one time married) or a Paternity (you and the other party have children together but were never married). If Paternity, write the initials of the child.

- ☐ Write the first name, middle initial, and last names of the parties in the same order in which they appeared on your original Divorce or Paternity papers. If you were the Respondent in the Divorce or Paternity, then you are still the Respondent and vice versa.
- ☐ Call the Child Support Division at (262) 548-7420 to determine if the State of Wisconsin is a party to this case. Mark only one box with an **X** to report if the State is a party to the case or not.
- ☐ Write in your case number from the original Divorce or Paternity.

2. Complete the **To:** section with the other party's contact information as indicated. Note that a copy **MUST** be provided to the Waukesha County Child Support Division *if the State of Wisconsin is a party to the action*.
3. Print your name.
4. Indicate the month, day, and year of the original hearing and the name of the Circuit Court Commissioner who made that decision. You can find this information on the Order or the Order To Show Cause/Motion that was originally filed.
5. The Judge's Calendar Clerk will complete the scheduling information (Before, Date, Time & Place).
6. Sign and date the bottom of the form.
7. **Attach a copy of the signed Order from the original hearing date.**

Affidavit of Mailing	Informs the court that you properly mailed the request to the other party.
-----------------------------	--

1. Mail the **Request for DeNovo Hearing and Notice of Hearing** form to the other party.
2. Complete the caption (*top portion*) the same way you did in #1 above.
3. Print your name.
4. Write the date on which you put the document in the mailbox.
5. Write in the name of the city, town, or village from where you mailed the document. Write in the name and address of the person to whom the document was mailed.
6. Write the date on which you received your court date and filed the **Request**.
7. Sign the document in the presence of a Notary Public. Notaries are available in the courthouse, at banks, or other businesses.
8. Return the completed, dated, and signed Affidavit of Mailing to the court on or before the date of the hearing.

In re the ☐ Marriage ☐ Paternity of _____:
(initials)

Petitioner/Joint Petitioner

and

Respondent/Joint Petitioner

☐ STATE OF WISCONSIN is NOT a party
☐ STATE OF WISCONSIN IS a party

Case # _____

Request for DeNovo Hearing and Notice of Hearing

To:

(First name of the other party) (M.I.) (Last)
_____, Apt # _____
(Street Address)
_____, _____
(City) (State) (ZIP Code)

If the State of Wisconsin is a party to the action, a copy must also be provided to the Waukesha County Child Support Division, Rm. A-348

PLEASE TAKE NOTICE THAT

(Print name of party making request)

requests a DeNovo Hearing of the decision made on _____, 20____
(Month) (Day) (Year)

by _____
Circuit Court Commissioner

A copy of the signed Order from the above hearing date must be attached.

Under Waukesha County Family Court Local Rule 2.1-2.2, the undersigned is allowed to have the Decision/Order reviewed de novo by the assigned Judge if requested **within 10 (ten) business days** of the date of the signing of such document by the Circuit Court Commissioner.

The DeNovo Hearing is scheduled:

BEFORE:

Circuit Court Judge

PLACE:

Room _____, Waukesha County Courthouse,
515 West Moreland Boulevard, Waukesha, WI 53188.

DATE:

_____, 20____
(Month) (Day) (Year)

TIME:

_____ o'clock, a.m./p.m.,

Dated: _____, 20____
(Month) (Day) (Year).

Signature of party making request